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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/583,336	05/31/2000	William F. Reeves		2397

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EXAMINER	
GILLIGAN, CHRISTOPHER L	
ART UNIT	PAPER NUMBER
3626	

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Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary	Application No.	Applicant(s)	
	09/583,336	REEVES, WILLIAM F.	
	Examiner	Art Unit	
	Luke Gilligan	3626	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

1)☒ Responsive to communication(s) filed on *17 July 2007*.

2a)☐ This action is **FINAL**. 2b)☒ This action is non-final.

3)☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4)☒ Claim(s) *58-77* is/are pending in the application.

4a) Of the above claim(s) _____ is/are withdrawn from consideration.

5)☐ Claim(s) _____ is/are allowed.

6)☒ Claim(s) *58-77* is/are rejected.

7)☐ Claim(s) _____ is/are objected to.

8)☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

9)☐ The specification is objected to by the Examiner.

10)☐ The drawing(s) filed on _____ is/are: a)☐ accepted or b)☐ objected to by the Examiner.

Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

11)☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

12)☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

a)☐ All b)☐ Some * c)☐ None of:

1.☐ Certified copies of the priority documents have been received.

2.☐ Certified copies of the priority documents have been received in Application No. _____.

3.☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

1) ☒ Notice of References Cited (PTO-892)
2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3) ☐ Information Disclosure Statement(s) (PTO/SB/08) Paper No(s)/Mail Date _____.
4) ☐ Interview Summary (PTO-413) Paper No(s)/Mail Date. _____ .
5) ☐ Notice of Informal Patent Application
6) ☐ Other: _____.

Response to Amendment

1. Applicant's request for reconsideration of the finality of the rejection of the last Office action is persuasive and, therefore, the finality of that action is withdrawn.

2. In the amendment filed 7/17/07, the following has occurred: claims 58-64, 66-68, 71, 72, and 75-77 have been amended. Now, claims 58-77 are presented for examination.

Claim Rejections - 35 USC § 112

3. The following is a quotation of the second paragraph of 35 U.S.C. 112:

> The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

4. Claims 58-77 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

5. Claim 58 recites the limitation "without requiring an on-board or internal battery or power source." It is unclear whether "an on-board or internal battery or power source" is necessarily excluded from the storage device just because it is not required. The Examiner suggests using the phrase "without including" rather than "without requiring."

6. Claim 68 recites the limitation "without the need for an on-board power source within said storage device." The scope of the claim is unclear for similar reasons as given above. The Examiner suggests including a limitation of "wherein said storage device does not include an on-board power source."

7. Claims 59-67 and 69-77 are rejected for the same reasons as claims 58 and 68 through dependency.

8. Additionally, claim 66, recites the phrase "said porting connections include..." Although there is a previous recitation of porting in claim 58, there are no previous recitations of "porting

connections." Therefore, this limitation lacks sufficient antecedent basis in the claims. For the purpose of applying art, the Examiner will interpret this limitation to recite "wherein said means for porting includes a porting connection including at least one of serial ports, optical ports, docking stations, USB ports, and other porting modalities."

Claim Rejections - 35 USC § 103

9. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

> (a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negatived by the manner in which the invention was made.

10. Claims 58-62, 64, and 66, 68-71, 73-74, and 76-77 are rejected under 35 U.S.C. 103(a) as being unpatentable over Yeager et al., International Publication Number WO 97/22297 in view of Davis, U.S. Patent No. 4,941,201.

11. As per claim 58, Yeager teaches a computer system for storing, retrieving, and organizing digital medical records and other vital personal information from bodily worn or carried storage devices, the system comprising: a storage device that is carried or worn capable of storing digital medical records and other vital personal emergency information of the user (see page 3, lines 14-16), means for rapid access, reading, writing, erasing, and updating of said digital medical records and personal data of said user stored in said portable device (see page 3, line 22 – page 4, line 2), means for docking or porting said bodily worn storage device to portable or stationary computer devices to access, view and manage said records and personal information (see page 5, lines 17-26), means for recognizing and authenticating said bodily worn storage device, via a unique digital identifier unique to said bodily worn storage device and stored in said bodily worn storage device, when said bodily worn storage device is

ported to said computer devices (see page 5, line 29, page 7, lines 11-13, and page 12, lines 4-6), means for bi-directional flow of data to and from said storage device from any of said computer devices (see page 11, line 9 – page 12, line 7), means to access, display, and update said digital records within said bodily worn storage device via a wireless telecommunications modality (see page 5, lines 18-21), unique markings on the exterior of said portable device indicating it contains said medical records or vital personal information of said user (see Figure 2, note the medical symbol included on the bracelet), and means to organize said records and vital personal information in page or template format for ease of viewing and use (see page 7, lines 23-27).

12. Yeager does not explicitly teach that said device does not include an on-board or internal battery or power source and means for sending electrical power to said portable device from said computer devices during said docking. Davis teaches a portable data storage devices that does not include an on-board or internal battery or power source and includes means for sending electrical power to said portable device from a computer device during docking (see column 2, lines 41-54 and column 6, lines 3-10). It would have been obvious to one of ordinary skill in the art at the time of the invention to modify the device of Yeager to not include an internal battery. One of ordinary skill in the art would have been motivated to modify the device in this way for the purpose of reducing the number of components and cost in manufacturing the device (see column 3, lines 10-19 of Davis).

13. As per claim 59, Yeager in view of Davis teaches the system of claim 58 as described above. Yeager further teaches said storage device and said computer devices are enclosed in a rugged, weatherproof case or enclosure (see page 6, lines 15-18).

14. As per claim 60 Yeager in view of Davis teaches the system of claim 58 as described above. Yeager further teaches said storage and access of said digital records from said data storage device is via non-volatile memory (see page 7, lines 4-8).

15. As per claim 61, Yeager in view of Davis teaches the system of claim 58 as described above. Yeager further teaches said portable computers include at least other portable computer devices (see page 5, lines 18-20).

16. As per claim 62, Yeager in view of Davis teaches the system of claim 58 as described above. Yeager further teaches said stationary computers include at least personal computers (see page 5, lines 5-9).

17. As per claim 64, Yeager in view of Davis teaches the system of claim 58 as described above. Yeager further teaches said portable storage device contains basic input/output system software for seamless and rapid communication and transfer of data to and from said computer devices (see page 13, lines 17-21).

18. As per claim 66, Yeager in view of Davis teaches the system of claim 58 as described above. Yeager further teaches said means for porting includes porting connections including at least other porting modalities (see page 8, lines 5-6).

19. Claims 68-71, 73-74, and 76-77 recite substantially similar limitations to those addressed in claims 58-62, 64, and 66, and, as such, are rejected for similar reasons as given above.

20. As per claim 75, Yeager in view of Davis teaches the process of claim 68 as described above. Yeager does not explicitly teach performing the authentication by comparing a biometric characteristic of said user that is stored in said storage device to a database of said user biometric characteristics stored in said computer system. However, the Examiner takes Official Notice that authentication through biometric characteristic comparison is old and well known in the art. For example, it was old and well known in the art to perform fingerprint biometric

authentication at the time of the invention. Therefore, it would have been obvious to one of ordinary skill in the art at the time of the invention to incorporate such a feature into the system of Yeager. One of ordinary skill in the art would have been motivated to incorporate such a feature for the purpose of providing enhanced security to sensitive patient information.

21. Claims 63, 65, 67, and 72 are rejected under 35 U.S.C. 103(a) as being unpatentable over Yeager et al., International Publication Number WO 97/22297 in view of Davis, U.S. Patent No. 4,941,201 and further in view of Linder et al., U.S. Patent No. 6,681,003.

22. As per claim 63, Yeager in view of Davis teaches the system of claim 58 as described above. Yeager does not explicitly teach said digital records and personal information are encrypted for security and to limit access to authorized system users. Linder teaches a portable storage device that stores digital patient records and wherein said digital records and personal information are encrypted for security and to limit access to authorized system users (see column 3, lines 54-55). It would have been obvious to one of ordinary skill in the art at the time of the invention to incorporate this feature into the system of Yeager. One of ordinary skill in the art would have been motivated to incorporate such a feature for the purpose of provided enhanced protection for sensitive patient information.

23. As per claims 65 and 67, Yeager in view of Davis teaches the system of claim 58 and 64 as described above. Yeager does not explicitly teach linking said storage device and said computer devices to a website and said digital records and personal information are accessible from a website via a security password unique to said portable device user. Linder teaches linking a storage device and computer devices to a website and utilizing a security password to access information at the website (see column 3, lines 45-61). It would have been obvious to

one of ordinary skill in the art at the time of the invention to incorporate this feature into the system of Yeager for the reasons given above with respect to claim 63.

24. Claim 72 recites substantially similar method limitations to those already addressed in claim 63 and, as such, is rejected for similar reasons as given above.

Conclusion

25. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Luke Gilligan whose telephone number is (571) 272-6770. The examiner can normally be reached on Monday-Friday 8am-5:30pm.

26. If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Joseph Thomas can be reached on (571) 272-6776. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

27. Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see http://pair-direct.uspto.gov. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

8/9/07

C. LUKE GILLIGAN
PRIMARY EXAMINER
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